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**AUG 10 2009**

**OFFICE OF PETITIONS**

In re Application of :  
Hyung-Guen Lee :  
Application No. 10/800,895 : **ON PETITION**  
Filed: March 15, 2004 :  
Attorney Docket No. 8021-206 (SS- :  
19083-US) :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed February 1, 2008. The petition was recently forwarded to the Office of Petitions for consideration.

The petition under 37 CFR 1.181 is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file corrected drawings as required by the Notice of Allowability mailed October 3, 2007. This Notice set a statutory period for reply of three (3) months. No corrected drawings having been received, the application became abandoned on March 4, 2009. The Office mailed a Notice of Abandonment on January 29, 2008.

Petitioner argues that the Examiner already made the correction required by the Notice of Allowability in the Examiner's Amendment. Petitioner's argument has been considered, but is not persuasive. The Notice of Allowability specifically set forth that applicant was required to submit corrected drawings, including changes required by the Examiner's Amendment. In the Examiner's Amendment, the Examiner wrote in "(Prior Art)" after Fig. 1. As such, the Notice of Allowability required that Applicant submit a corrected drawing sheet with "(Prior Art)" appearing after Fig. 1.

While the showing of record is not presently sufficient to withdraw the holding of abandonment, petitioner is not precluded from obtaining relief by filing a petition pursuant to 37 CFR 1.137(b) on the basis of unintentional delay. A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by (1) The reply required to the outstanding Office action or notice, unless previously filed; (2) The petition fee as set forth in 37 CFR 1.17(m); and (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional.

Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop Petitions  
                    Commissioner for Patents  
                    P.O. Box 1450  
                    Alexandria VA 22313-1450

By FAX:            (571) 273-8300  
                    Attn: Office of Petitions

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.



Cliff Congo  
Petitions Attorney  
Office of Petitions